

HOUSE No. 1495

By Mr. Kafka of Sharon, petition of Louis L. Kafka and Brian P. Wallace relative to payments to nursing homes for the provision of Kosher food. Elder Affairs.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROVIDING FOR PAYMENTS TO NURSING HOMES FOR THE PROVISION OF KOSHER FOOD FOR THE FULL FISCAL YEAR.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 140 of the acts of 2003, as amended by
2 section 68 of chapter 352 of the acts of 2004, so appearing, is
3 hereby further amended by striking out section 85 and inserting in
4 place thereof the following sections:—
5 Section 85. Item 4000-0600 of section 2 of said chapter 26 is
6 hereby amended by adding the following words:— and provided
7 further, that notwithstanding any general or special law to the con-
8 trary, for any nursing home or non-acute chronic disease hospital
9 with not fewer than 350 licensed beds and not fewer than 90,000
10 medicaid patient days in a state fiscal year, with an established
11 geriatric teaching program for medical students, resi-
12 dents and fellows, students of nursing and other allied health pro-
13 fessionals and with an established institute conducting
14 multidisciplinary research into biomedical, psychological, cogni-
15 tive behavioral and organizational factors associated with aging,
16 that provides kosher food to its residents, the division of medical
17 assistance, in consultation with the division of health care finance
18 and policy, shall approve a special innovative program, and the
19 division of health care finance and policy, in recognition of the
20 unique special innovative program status granted by the division
21 of medical assistance, shall, for any such nursing home or non-
22 acute chronic disease hospital that provides kosher food to its resi-

23 dents, establish the lower of: (1) actual increase cost; or (2) up to
24 a \$5 per day increase to the standard payment rates to reflect the
25 higher dietary costs incurred in providing kosher food and shall
26 apply such increase effective July 1, 2003.

1 SECTION 2. Chapter 352 of the acts of 2004, so appearing is
2 hereby amended by striking out section 83 and inserting in place
3 thereof of the following section:—

4 Section 83. Said section 2 of said chapter 149 is hereby further
5 amended by striking out item 4000-0600 and inserting in place
6 thereof the following item:—

4000-0600 For health care services provided to medical assistance recipients under the department's senior care plan; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that not less than \$9,240,000 shall be expended for the purposes of a demonstration project known as the "community choices" initiative, so-called; provided further, that under the demonstration, eligible MassHealth enrollees in the section 2176 elder care waiver, so-called, shall be covered for any needed community services, including case management, from among those services available under the waiver or under the Commonwealth's Title XIX state plan, for the purpose of delaying or preventing an imminent nursing home admission; provided further, that elders enrolled in the waiver at risk of imminent nursing home admission shall be provided information about the availability of such services; provided further, that for elders who, pursuant to the aforementioned interagency agreement have been determined to be at such imminent risk, have chosen to remain in the community, and for whom community care is medically appropriate, the department shall establish a funding level that, on a monthly average basis, is equal to fifty percent of the median monthly per capita expenditure made by the department for nursing facility services provided to elders; provided further, that such funding level may include the costs of needed waiver services or other needed community services available to the elders under the state plan, provided further, that the interagency agreement shall be amended to implement the demonstration project and shall describe how the funding level will be made available to the elders under the state plan; provided further, that the department shall enter into an agreement with each aging service access point participating in the demonstration, which shall describe a system to be followed by each aging service access point, in accordance

with state law and requirements under Title XIX of the Social Security Act, for coordination of both waiver and non-waiver community services needed by such eligible elders; provided further, that each aging services access point receiving funds under the demonstration project shall submit monthly reports to the executive office of health and human services and to the department of elder affairs on the care provided and the service expenditures made under the 2176 elder care waiver and such other information as specified by the department and the executive office; provided further, that executive office of health and human services shall prepare a report on all relevant costs and savings associated with the demonstration project; provided further, that the report shall be submitted to the house and senate committees on ways and means by April 1, 2005; provided further, that the department shall expend funds for the purpose of funding base hourly wage increases and related payroll taxes for certified nurses' aides at nursing facilities, in accordance with 114.2 CMR 6.00 et seq; provided further, that effective January 1, 2002, such wage increases shall be over and above any previously collectively bargained for wage increases; provided further, that the division shall report to the house and senate committees on ways and means on the increases given at each facility by February 1, 2005; provided further, that the department shall in correlation with the senior care options program explore options for enrolling the senior care population into managed care programs through federal waivers or other necessary means; provided further, that not less than \$75,000 shall be made available to reimburse providers of dementia-specific adult day care at the rate paid on January 1, 2003; provided further, that notwithstanding any general or special law to the contrary, for any nursing home or non-acute chronic disease hospital with not fewer than 350 licensed beds and not fewer than 90,000 medicaid patient days in a state fiscal year, with an established geriatric teaching program for medical students, residents, and fellows, students of nursing and other allied health professionals and with an established institute conducting multidisciplinary research into biomedical, psychological, cognitive behavioral and organizational factors associated with aging, that provides kosher food to its residents, the division of medical assistance, in consultation with the division of health care finance and policy, shall approve a special innovative program, and the division of health care finance and policy, in recognition of the unique special innovative program status granted by the division of medical assistance, shall, for any such nursing home or non-acute chronic disease hospital that provides kosher food to its residents, establish the lower of: (1) actual increase cost; or (2) up to a \$5 per day increase to the standard payment rates to reflect the higher dietary costs incurred in providing kosher food and shall apply such increase effective July 1, 2004; provided further, that notwithstanding any general or special law to the contrary, all

licensed chronic care hospitals located in Hampden county shall be paid under the same Medicaid reimbursement methodology as applied to all other similarly situated chronic care hospitals; provided further that, that in calculating the Medicaid reimbursement, such reimbursement shall exclude any costs associated with any beds licensed by the department of mental health; provided further, that effective July 1, 2004 through June 30, 2005, the division of health care finance and policy in collaboration with the executive office of elder affairs shall establish nursing facility payment rates and fully fund allowable costs using calendar year 2002 base year costs; provided further, that the secretary of elder affairs may transfer not more than 3 per cent of funds appropriated in this item to item 4000-0620; and provided further, that the department shall provide written notice to the house and senate committees on ways and means not less than 30 days prior to any transfer

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